

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
v.) 1:22-mc-91098-IT
)
)
NICHOLAS MARSHALL FAIN,)
Defendant)

ASSENTED-TO MOTION FOR ENDS-OF-JUSTICE CONTINUANCE
OF TIME FOR FILING AN INDICTMENT OR INFORMATION,
AND EXCLUSION OF TIME,
UNDER THE SPEEDY TRIAL ACT

The United States of America, by and through Assistant United States Attorney Evan Gotlob, respectfully moves this Court to grant a continuance of the time within which an indictment or information must be filed, and exclude the time period from May 3, 2022, through and including May 18, 2022, from the speedy trial clock, pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A)of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts (effective December 2008), on the ground that the ends of justice served by granting the requested continuance and excluding these periods outweigh the best interests of the public and the defendant in a speedy trial. The parties further asks this Court to issue the attached proposed *Order of Continuance and Excludable Delay*. In support of this request, the parties state as follows:

1. The defendant has been charged via criminal complaint in case 1:22-mj-07007-JCB.
2. The government seek to engage in pre-indictment discussions regarding a possible disposition in the case. The requested exclusion of time will permit the government time to confer with counsel, and will permit defense counsel to adequately confer with the defendant, before the

United States is required to seek an indictment. The parties expect that such discussions are likely to further the interests of justice and promote judicial efficiency.

3. Both parties believe, if the requested time is excluded, the government has until May 3, 2022, to return an indictment in this case.

4. The defendant was detained in this case.
5. Defense Counsel has concurred with this request.
6. A proposed order is attached.

Respectfully submitted,

RACHAEL ROLLINS
United States Attorney

By: /s/ Evan Gotlob
Evan Gotlob
Assistant U.S. Attorney

Certificate of Service

I hereby certify that this document shall be served via email on counsel for Defendant NICHOLAS MARSHALL FAIN

By: /s/ Evan Gotlob
Evan Gotlob
Assistant U.S. Attorney